

REMARKS

Claims 1-33 are pending in the present application. In the forgoing amendments, claims 1, 5, 7, 14, 17-20, 26-27, and 29-33 have been amended. Support for these amendments can be found in the specification and claims of the application as filed. No new matter has been added by these amendments.

Applicants respectfully request entry of the foregoing amendments and reconsideration of the application in light of the amendments above and the remarks below.

Claim Rejections under 35 U.S.C. § 112

The Office Action rejected claims 7, 20, and 27 under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

In the forgoing amendments, claims 7, 20, and 27 have been amended, thereby obviating these rejections.

Claim Rejections under 35 U.S.C. § 102

The Office Action rejected claims 1-6, 9-10, 13-19, 22-23, 25-26, 28-30 and 32-33 under 35 U.S.C. § 102(e) as being anticipated by Chheda (U.S. Patent No. 6,266,529). (Applicants note that Section 5 of the Office Action made a number of references to Rohani. Applicants assume that such references were meant to be directed to Chheda.)

To reject a claim under 35 U.S.C. § 102, the reference must teach each and every aspect of the claimed invention either explicitly or impliedly. Any feature not directly taught must be inherently present. See, MPEP 706.02.

Chheda discloses a method for improving sector handoff within a sectorized communication cell utilizing a wireless communication system. In Chheda, if a mobile radio telephone detects a new pilot whose pilot strength is above an upper threshold (T_ADD), the mobile radio telephone will place the sector associated with the new pilot into its candidate set and send a pilot Strength Measurement Message (PSMM) to the base station controller. If the mobile radio telephone detects a current sector active pilot signal strength has dropped below a lower threshold (T_DROP) and remains consistently below this threshold level for a

predetermined amount of time, then a PSMM is transmitted to the network by the mobile radio telephone, requesting that such a sector be dropped from the active set (see col. 9, lines 31-67; col. 10, lines 1-15). In other words, Chheda teaches managing a list of sectors by way of monitoring/measuring the strengths of the pilot signals from various sectors on forward link.

Chheda fails to teach or suggest “.....determining a reverse link quality metric from the subscriber station at the sector; retaining the sector in the subscriber station’s list if said determined reverse link quality metric is sufficient....,” as recited in claim 1 or 14. For at least these reasons, Applicants submit that independent claims 1 and 14 are patentable over the cited art. Applicants respectfully request that the rejections of these claims be withdrawn.

Chheda further fails to teach or suggest “measuring at a plurality of sectors belonging to the subscriber station’s list a reverse link quality metrics of the subscriber station; determining at each of the sectors a quality metric of a forward link transmitted by the sector to the subscriber station; determining an imbalance in accordance with said measured reverse link quality metrics, and said determined quality metrics of forward links; and transmitting from the sector with the highest forward link quality metric a power control command determined in accordance with the highest reverse link quality metric if the imbalance exists,” as recited in claim 26 or 30 (emphasis added). For at least these reasons, Applicants submit that independent claims 26 and 30 are patentable over the cited art. Applicants respectfully request that the rejections of these claims be withdrawn.

Claims 2-6, 9-10, 13, 15-19, 22-23, 28-29, and 32-33 each depend from one of independent claims 1, 14, 26, and 30, and are also allowable, for at least the reasons stated above. Applicants respectfully request that the rejections of these claims be withdrawn.

Claim Rejections under 35 U.S.C. § 103

The Office Action rejected claims 8, 11, 21 and 24 under 35 U.S.C. § 103(a) as being unpatentable over Chheda in view of Vanghi (U.S. Patent Publication No. US 2002/0111169). The Office Action also rejected claims 12 and 25 under 35 U.S.C. § 103(a) as being unpatentable over Chheda in view of Tiedemann, Jr. et al. (U.S. Patent No. 5,987,326).

Claims 8, 11, 12, 21, 24, and 25 each depend from one of independent claims 1 and 14, and are also allowable, for at least the reasons stated above. Applicants respectfully request that the rejections of these claims be withdrawn.

Allowable Subject Matter

In the Office Action, claims 7, 20, 27 and 31 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants thank the Examiner for the indication of allowable subject matter.

In light of claims 7, 20, 27, and 31 each dependent from one of independent claims 1 and 14, 26, and 30, they are allowable for at least the reasons that claims 1, 14, 26, and 30 are allowable, as stated above.

Specification

Applicants provide herewith amendments to the specification. The amendments to the specification are made by presenting marked up replacement paragraphs which identify changes made relative to the immediate prior version.

The changes made are primarily typographical or grammatical in nature, or involve minor clarifications of awkward wordings.

Applicants believe these changes add no new matter to the application and are fully supported by the original disclosure.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that the application is in condition for allowance. Accordingly, reconsideration and allowance are respectfully requested. Should any issues remain unresolved which the Examiner believes can be resolved in a telephone interview, the Examiner is respectfully requested to telephone the Applicants' undersigned attorney.

Respectfully submitted,

Dated: 8/1/2005

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